

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AVEMARIA THOMPSON,

Plaintiff,

Civ. No.: 14-2473(ADS)(KMT)

-against-

THOMAS J. SPOTA, ROBERT EWALD,
and SUFFOLK COUNTY,

Defendants.

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**DECLARATION OF JASON SOLOTAROFF IN OPPOSITION TO THE MOTION FOR
SUMMARY JUDGMENT OF DEFENDANTS THOMAS J. SPOTA AND ROBERT
EWALD AND THE MOTION FOR SUMMARY JUDGMENT OF SUFFOLK COUNTY**

JASON L. SOLOTAROFF, being duly sworn, hereby declares under penalty of perjury:

1. I am a Partner with the law firm Giskan Solotaroff & Anderson LLP, attorneys for Plaintiff AveMaria Thompson in this action, and submit this Declaration in opposition to the motion for summary judgment of Defendants Thomas J. Spota and Robert Ewald and the motion for summary judgment of Suffolk County.

1. Attached as **Exhibit 1** hereto are the relevant pages of the November 23, 2015 Deposition of Plaintiff AveMaria Thompson.

2. Attached as **Exhibit 2** hereto are the relevant pages of the December 8, 2015 Deposition of Emily Constant, the Chief Assistant District Attorney, Suffolk County District Attorney's Office ("Suffolk DA's Office").

3. Attached as **Exhibit 3** hereto are the relevant pages of the December 8, 2015 Deposition of Edward Heilig, the Financial Crimes Division Chief at Suffolk DA's Office.

2. Attached as **Exhibit 4** hereto are the relevant pages of the December 21, 2015 Deposition of Defendant Thomas J. Spota, the Suffolk County District Attorney.

3. Attached as **Exhibit 5** hereto is a true and correct copy of May 20, 2016 Letter from Mary Ellen Donnelly (counsel for Defendants) to Jason Solotaroff (counsel for Plaintiff).

4. Attached as **Exhibit 6** hereto is a true and correct copy of December 19, 2008 Inter-Office Communication.

5. Attached as **Exhibit 7** hereto is a true and correct copy of Assistant District Attorney Assignments.

6. Attached as **Exhibit 8** hereto are the relevant pages of the December 3, 2015 Deposition of Defendant Robert Ewald, the Chief of the Narcotics Bureau at Suffolk DA's Office.

7. Attached as **Exhibit 9** hereto is a true and correct copy of email correspondence from Plaintiff Thompson to John Scarglato, an ADA at the Suffolk DA's Office Narcotics Bureau.

8. Attached as **Exhibit 10** hereto is a true and correct copy of Notes of Robert Ewald concerning Plaintiff Thompson's time of arrival at work.

9. Attached as **Exhibit 11** hereto is a true and correct copy of Plaintiff Thompson's March 2013 Assistant District Attorney Evaluation.

10. Attached as **Exhibit 12** hereto is a true and correct copy of Plaintiff Thompson's Memo to File (Memo – Confidential, March 18, 2013).

11. Attached as **Exhibit 13** hereto is a true and correct copy of Notes of Defendant Ewald's Concerning ADA Meg Farrell.

12. Attached as **Exhibit 14** hereto is a true and correct copy of May 10, 2011 email correspondence from Defendant Ewald to Plaintiff Thompson.

13. Attached as **Exhibit 15** hereto is a true and correct copy of May 22, 2013 email correspondence from Defendant Ewald to Emily Constant.

14. Attached as **Exhibit 16** hereto is a true and correct copy of documents related to ADA #1, produced by defendants in this action.

15. Attached as **Exhibit 17** hereto is a true and correct copy of Rashika Hettiarchchi's 2013 Assistant District Attorney Evaluations.

16. Attached as **Exhibit 18** hereto is a true and correct copy of Letter from Defendant Spota to the Clerk of the Suffolk County concerning Ms. Hettiarchchi's termination.

17. Attached as **Exhibit 19** hereto is a true and correct copy of May 23, 2013 email correspondence from Defendant Ewald to Edward Heilig,

18. Attached as **Exhibit 20** hereto is a true and correct copy of May 29, 2013 handwritten notes taken at Plaintiff Thompson's termination meeting.

19. Attached as **Exhibit 21** hereto are the relevant pages of the December 21, 2015 Deposition of Mary-Kathleen Fohrkolb (Wagner).

20. Attached as **Exhibit 22** hereto is a true and correct copy of documents related to ADA #2, produced by defendants in this action.

21. Attached as **Exhibit 23** hereto is a true and correct copy of May 3, 2013 Key Card Printout.

22. Attached as **Exhibit 24** hereto is a true and correct copy of October 2, 2013 Letter from New York State Division of Human Rights re Cross-Filing of Complaint with EEOC.

23. Attached as **Exhibit 25** hereto is a true and correct copy of an email from AveMaria Thompson to Kate Wagner, February 28, 2013.

/s

Jason L. Solotaroff